

Notice of Allowability

Application No.

10/779,539

Examiner

Binta M. Robinson

Applicant(s)

LU ET AL

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1/31/05.
2. ☒ The allowed claim(s) is/are 1-8, 10-22 (now renumbered as claims 1-21).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

kd

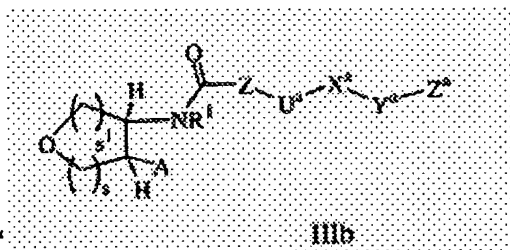
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jing Sun on 5/9/05.

The application has been amended as follows:

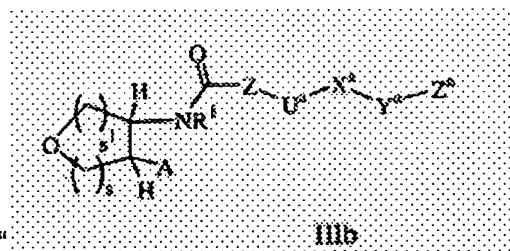
- A. In claim 3, line 2, page 12, the phrase "or IIIb" is deleted.



- B. In claim 3, line 3, page 12, the phrase "Is deleted.

- C. In claim 3, line 8, page 14, the phrase "s and s¹ combine to total 2, 3, or 4." is deleted. The phrase "s and s¹ combine to total 3." is added in its place.

- D. In claim 4, line 2, page 14, the phrase "or IVb" is deleted.



- E. In claim 4, line 3, page 14, the phrase " is deleted.

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F. In claim 4, line 10, page 16, the phrase "s and s¹ combine to total 2, 3, or 4." is deleted. The phrase "s and s¹ combine to total 3." is added in its place.

G. In claim 7, lines 17-18, page 31, the compound,

(3S,4R)-1-(2-thiazolylmethyl)-N-hydroxy-4-[[[4-[(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-3-piperidinecarboxamide
" is deleted.

H. In claim 7, lines 7-8 page 33, the compound,

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-(2-thiophenecarbonyl)-4-piperidinecarboxamide
" is deleted.

I. In claim 7, lines 13-14, page 33, the compound,

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-[[2-(2-thienyl)ethyl]carbonyl]-4-piperidinecarboxamide
" is deleted.

J. In claim 7, lines 19-20, page 34, the compound,

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-(4-tetrahydropyranyl)-4-piperidinecarboxamide
" is deleted.

K. In claim 7, lines 3-4, page 35, the compound,

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-(2-thiazolylmethyl)-4-piperidinecarboxamide
" is deleted.

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L. In claim 7, lines 17-18, page 36, the compound,

(3S,4S)-1-[[1-[(1,1-dimethylethyl)oxy]carbonyl]-3-tetrahydropyrrolidinyl]-*N*-hydroxy-3-[[[4-(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-4-piperidinecarboxamide

is deleted.

M. In claim 7, lines 19-20, page 36, the compound,

(3S,4S)-*N*-hydroxy-3-[[[4-(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-(3-tetrahydropyrrolidinyl)-4-piperidinecarboxamide

is deleted.

N. In claim 7, lines 3-4, page 37, the compound,

(3S,4S)-*N*-hydroxy-3-[[[4-(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-(3-thiophenylmethyl)-4-piperidinecarboxamide

is deleted.

O. In claim 7, lines 17-18, page 38, the compound,

(3S,4S)-*N*-hydroxy-3-[[[4-(2-methyl-4-quinolinyl)methoxy]phenyl]carbonyl]amino]-1-[[[(2R)-2-pyrrolidinyl]methyl]-4-piperidinecarboxamide

is deleted.

P. In claim 7, pages 29-41, 43, after each term "carboxamide", insert a " ,".

Q. In claim 7, page 41, the compound,

tert-butyl *(3S,4S)*-4-[(hydroxyamino)carbonyl]-3-([4-(2-methyl-3-pyridinyl)methoxy]benzoyl)amino)-1-piperidinecarboxylate

is deleted.

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R. In claim 7, page 35, lines 5-10, compounds,

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinoliny)methoxy]phenyl]carbonyl]amino]-1-(4-pyridinylmethyl)-4-piperidinecarboxamide

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinoliny)methoxy]phenyl]carbonyl]amino]-1-(2-pyridinylmethyl)-4-piperidinecarboxamide

(3S,4S)-N-hydroxy-3-[[[4-[(2-methyl-4-quinoliny)methoxy]phenyl]carbonyl]amino]-1-(3-pyridinylmethyl)-4-piperidinecarboxamide

are deleted.

Examiner's Comment

Claim 10 is rejoined in the prosecution and a method of treating all of the disease stated has been examined, since the compound claims are allowable and it is not a burden on the examiner to search the claimed diseases. Claims 1-8, 10-22 are allowable.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binta M. Robinson whose telephone number is (703) 306-5437. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7922 for regular communications and (703)308-7922 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0193.

KMP

5/9/05


Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center